

7,077,832.

Sep. 21. 2006 3:32PM

KCI Concepts Inc.

No. 3639 P. 1/10

PTO/SB/21 (07-06)

Approved for use through 09/30/2006. OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages In This Submission

11

Application Number

10/056,251

Filing Date

January 24, 2002

First Named Inventor

Wilhelm Fleischmann

Art Unit

3743

Examiner Name

Kim M. Lewis

Attorney Docket Number

VAC.726A.US

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ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/
Incomplete Application



Reply to Missing Parts
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a
Provisional Application



Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s)

Landscape Table on CD



After Allowance Communication to TC



Appeal Communication to Board
of Appeals and Interferences



Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify
below):

Letter

Certificate of Correction

Copy of Amendment

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Kinetic Concepts, Inc.

Signature

Robert W. Mason

Printed name

Robert W. Mason

Date

9-21-06

Reg. No.

42,848

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Typed or printed name

Karola Rötter

Date

09/21/06

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PTO/SB/17 (07-06)

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4318).**FEE TRANSMITTAL**
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 100.00**Complete If Known**

Application Number	10/056,251
Filing Date	January 24, 2002
First Named Inventor	Wilhelm Fleischmann
Examiner Name	Kim M. Lewis
Art Unit	3743
Attorney Docket No.	VAC.726A.US

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CENTRAL FAX CENTER**SEP 21 2006****METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number 500326 Deposit Account Name:

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)
Each independent claim over 3 (including Reissues)
Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 20 or HP = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

- 3 or HP = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**

- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Certificate of Correction

Fees Paid (\$)

100.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	42,848	Telephone	210.255.6271
Name (Print/Type)	Robert W. Mason	Date	9-21-06		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,077,832 Confirmation No.: 9084
Applicants : Wilhelm Fleischmann
Issued : July 18, 2006
TC/A.U. : 3743
Examiner : Kim M. Lewis
Docket No. : VAC.726A.US
Customer No.:30159

Attention Certificate of Corrections Branch
Commissioner for Patents
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LETTER

Commissioner:

Applicant respectfully requests the correction of the assignee. The above-mentioned patent has not been assigned to KCI Licensing, Inc.

The form PTOL-85 has been submitted with the incorrect data on September 27, 2005.

A Certificate of Correction and the fee in the amount of \$100.00 has been enclosed.

The additional corrections are typographical errors. Copies of the Amendments dated January 5, 2005 and October 6, 2004 are enclosed herewith.

Respectfully submitted,



For Applicant
Robert W. Mason, Reg. No. 42,848
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Kinetic Concepts, Inc.
Legal Department - Intellectual Property
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I:\Patents\VAC.726\VAC.726A.US\VAC.726A.US Letter re Certificate of Correction.doc/kr

SEP 22 2006

PTO/SB/44 (04-05)
Approved for use through 04/30/2007. OMB 0851-0033
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(Also Form PTO-1050)

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 7,077,832
APPLICATION NO.: 10/056,251
ISSUE DATE : January 24, 2002
INVENTOR(S) : Wilhelm Fleischmann

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 9, line 32 replace "substrates" with "substances"
Column 9, line 48 replace "mechanism" with "mechanisms"
Column 9, line 50 insert "interval" between "time" and "between"
Column 10, line 12 replace "mechanism" with "mechanisms"
Column 10, line 20 replace "openly" with "operably"
Column 10, line 25 insert "said" between "the" and "supply"
Column 10, line 35 insert "said" between "wherein" and "controller"
Column 10, line 50 replace "close" with "closure"

(73) Assignee, delete "KCI Licensing, Inc." as assignee. Patent has not been assigned. Inventor and Assignee is Wilhelm Fleischmann.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Robert W. Mason
Kinetic Concepts, Inc.
P.O. Box 659508, San Antonio, TX 78265

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SEP 21 2006

No. 4476 P. 7

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No. : 10/056,251 Confirmation No. 9084
Inventor : FLEISCHMANN, Wilhelm
Filed : January 24, 2002
Group Art Unit : 3743
Examiner : LEWIS, Kim M.
Docket No. : VAC.726A.US
Customer No. : 30159
Title: : PROCESS AND DEVICE FOR APPLICATION OF ACTIVE
SUBSTANCES TO A WOUND SURFACE AREA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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37 C.F.R. § 1.8

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22313-1450, on the date below:

10/06/2004
Date

Charles R. Ridd
Charles Ridd

AMENDMENT

Response to Office Action Dated May 17, 2004

Dear Sir or Madam:

A Petition under 37 C.F.R. 1.136(a) for a two-month extension of time is attached hereto. In response to the Office action of May 17, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

SEP 22 2006

Oct. 6. 2004 11:45AM KCI Legal LP

No. 4476 P. 8

App. No. 10/056,251
Amdt. dated October 6, 2004
Reply to Office Action of May 17, 2004

Amendments to the claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-20 (canceled)

Claim 21 (currently amended): A device for application of active substances to a wound surface, said device comprising:

 a padding of porous material adapted for application upon a wound surface,

 a sealing cover for covering the wound surface and the padding and adapted to be sealingly applied to the skin surface,

 at least one supply line introduced into the padding for supplying a fluid active substance, and

 at least one removal line introduced into the padding for removing said active substance, said the removal line connectable to a vacuum source,

 wherein said the supply line is provided with a controllable closure mechanism, said the removal line is provided with a controllable closure mechanism and a controller is provided which temporally controls these closure mechanisms so that the closure mechanism of the supply line and the closure mechanism of the removal line are not open at the same time and that in the time interval between the closure of the closure mechanism of the supply line and the opening of the closure mechanism of the removal line a treatment dwell time interval is provided.

Claim 22 (previously presented): The device according to claim 21, wherein said padding is comprised of an elastic compressible porous material.

Oct. 6. 2004 11:46AM KCI Legal IP

No. 4476 P. 9

App. No. 10/056,251
Amdt. dated October 6, 2004
Reply to Office Action of May 17, 2004

Claim 23 (previously presented): The device according to claim 22, wherein said padding is comprised of an open pored PVA-foam material.

Claim 24 (previously presented): The device according to claim 21, wherein the sealing cover is a flexible foil, which is air tight yet permeable to water vapor.

Claim 25 (currently amended): The device according to claim 21, wherein ~~said the~~ supply line and ~~said the~~ removal line are introduced into the padding via a common drainage hose.

Claim 26 (currently amended): The device according to claim 21, wherein ~~said the~~ supply line and ~~said the~~ removal line are respectively introduced into the padding via separate drainage hoses.

Claim 27 (previously presented): The device according to claim 21, further comprising a controller for controlling the timing of the opening process of the closure mechanism of the supply line.

Claim 28 (previously presented): The device according to claim 21, further comprising a controller for controlling the opening process of the closure mechanisms of the removal line.

Claim 29 (previously presented): The device according to claim 21, wherein said controller, after a suctioning period, determines a vacuum time interval in which a predetermined vacuum is maintained in the padding.

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Oct. 6. 2004 11:46AM KCI Legal IP

No. 4476 P. 10

App. No. 10/056,251
Amnt. dated October 6, 2004
Reply to Office Action of May 17, 2004

Claim 30 (previously presented): The device according to claim 21, further comprising a pressure sensor adapted to be introduced under the sealing cover, and operably connected with said controller.

Claim 31 (previously presented): The device according to claim 21, wherein the closure mechanisms are electromagnetic, pneumatic or hydraulic operated hose clamps.

Claim 32 (currently amended): The device according to claim 31, wherein at least one of said ~~the~~ supply line and removal line are constructed as a hose, wherein said hose clamps have a receptacle for receiving said ~~the~~ supply line or removal line, and wherein said hose clamps have a piston responsive to said controller and adapted for squeezing said hose against a hose claim sidewall.

Claim 33 (previously presented): The device according to claim 21, wherein said closure mechanisms are multi-way valves.

Claim 34 (previously presented): The device according to claim 33, wherein said multi-way valves are operable via a step motor controlled by said controller.

Claim 35 (previously presented): The device according to claim 21, wherein said controller is programmable electronic controller.

Oct. 6. 2004 11:46AM KCI Legal IP

No. 4476 P. 11

App. No. 10/036,251
Amdt. dated October 6, 2004
Reply to Office Action of May 17, 2004

Claims 36-39 (canceled)

**Claim 40 (currently amended): A device for application of substances to a wound surface,
said device comprising**

**a padding of porous material adapted for application upon a wound surface,
a sealing cover for covering the wound surface and the padding and adapted to be
sealingly applied to the skin surface,
at least one supply line introduced into the padding for supplying a substance, and
at least one removal line introduced into the padding for removing said substance, said
the removal line connectable to a vacuum source,**

**wherein said the supply line is provided with a controllable closure mechanism, said the
removal line is provided with a controllable closure mechanism and a controller is provided
which temporally controls these closure mechanisms so that the closure mechanism of the supply
line and the closure mechanism of the removal line are not open at the same time and that in the
time interval between the closure of the closure mechanism of the supply line and the opening of
the closure mechanism of the removal line a treatment dwell time interval is provided.**

SEP 22 2006

Oct. 6. 2004 11:46AM KCI Legal IP

No. 4476 P. 12

App. No. 10/056,251
Amdt. dated October 6, 2004
Reply to Office Action of May 17, 2004

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REMARKS/ARGUMENTS

Claims 21-35 and 40 are pending in this application.

Amendments to claims

Applicant has amended the claims to substitute --the removal line-- for "said removal line" and --the supply line-- for "said supply line" as requested by the Examiner. The amendments correct mere informalities and have no effect on the scope of the claims.

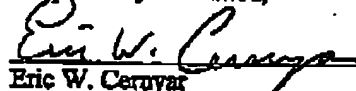
In view of these amendments, and the Examiner's comments regarding the allowability of claims 21-35 and 40, claims 21-35 and 40 are now submitted to be in condition for allowance.

Believing it has addressed all matters raised by the Examiner's May 17, 2004 Office Action, Applicant respectfully requests a Notice of Allowance. No fees are believed to be required for the amendment. Nevertheless, the Commissioner is permitted to deduct or credit any fees that may be required from Kinetic Concept Inc. Deposit Account No. 500-326.

If upon consideration of the above, the Examiner should feel that outstanding issues remain in the present application that could be resolved, the Examiner is invited to contact the undersigned at the telephone number indicated to discuss resolution of such issues.

Applicant respectfully requests favorable consideration.

Respectfully submitted,



Eric W. Ceroyar
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SEP 22 2006